



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Final City Plan Commission

*Mayor John T. Dickert, Alderman Aron Wisneski
Atty. Jud Wyant, Atty. Elaine Sutton Ekes
Vincent Esqueda, Alderman Eric Marcus, Tony Veranth*

Tuesday, June 14, 2011

4:30 PM

City Hall, 209

Call To Order

Mayor Dickert called the June 14, 2011 special Plan Commission meeting to order at 4:30 p.m.

PRESENT: 6 - John Dickert, Vincent Esqueda, Jud Wyant, Aron Wisneski, Eric Marcus and Tony Veranth

EXCUSED: 1 - Elaine Sutton Ekes

Alderman Eric Marcus and Alderman Aron Wisneski arrived at 4:37 p.m.

Others present: Brian O'Connell, Director of City Development
Jill Johanneck, Associate Planner
Rick Heller, Chief Building Inspector
Alderman Jim Kaplan

Approval of Minutes for the May 25, 2011 Meeting & June 8, 2011 Public Hearings.

A motion was made by Commissioner Esqueda, seconded by Commissioner Veranth, to approve the minutes of the May 25, 2011 and the June 8, 2011 Plan Commission meetings. The motion PASSED by a Voice Vote.

11-6217

Subject: (Direct Referral) Review of a Conditional Use Permit at 914 Marquette Street - Pedro's Auto Repair. (PC-11)

Director O'Connell provided a brief overview of the issues and referred to Chief Building Inspector Rick Heller for an update on compliance of the auto repair business with the approved conditional use. Mr. Heller advised based upon site visits he has made that he feels the site is in compliance.

Mayor Dickert raised questions about unlicensed vehicles and other parking issues that have been reported as problems. Mr. Heller advised he has not observed these violations, that there are no building violations, and that the Inspection department does not regulate on-street parking. Alderman Kaplan advised he receives calls concerning the parking at the site and updated the Commission on the information he has received from the constituents, noting there have been vehicles without license plates, vehicles ticketed for parking in the wrong areas, and that the lot is full of vehicles leaving apartment tenants without spaces to park. He also mentioned that in speaking with the tenants, they would like a minimum of one parking stall reserved per apartment, also that the handicapped space needs to be re-stripped.

One of the owners of the building, Mr. Tajnai, added to the discussion about the limited parking, advising they need more parking to allow the residential units more spaces. He noted there are 5 apartment units in the building. Commissioner Wyant suggested placards or cards be placed in the vehicles to identify vehicles there because of the repair business as well as for the residents.

Via interpretation provided by Commissioner Esqueda, Mr. Pedro Hernandez, the business operator, indicated that often the cars are not associated with his business for repair and they are not employee vehicles. Discussion ensued amongst Commission members and the applicant that more parking is needed. Mr. Heller suggested an amendment to the conditional use to provide the additional parking.

A motion was made by Alderman Marcus, seconded by Alderman Wisneski, to defer this item to the next meeting to allow applicants to work on a proposal to provide additional parking for the site. The motion PASSED by a Voice Vote.

11-6528

Subject: (Direct Referral) Consideration of a request from Nick Fattah, agent for Suher Mohamed, seeking a Conditional Use Permit for an assisted living facility at 1419 Superior St. (PC-11) (Res. 11-2627)

Recommendation of the City Plan Commission on 6-14-11: That the item be approved subject to conditions, with the direction to staff to work with the City Attorney on language to add to condition "d." restricting the type of residents.

Fiscal Note: N/A

Attachments: [PH Notice - 1419 Superior St \(11-6528\) CUP 1419 Superior Street](#)

Director O'Connell advised the Public Hearing for the item was held at the June 8, 2011 Plan Commission meeting. He outlined the use proposed for the site as a living facility for up to 15 developmentally disabled men, and that the location lies within 2,500 feet of two other community based residential facilities.

Nick Fattah, the applicant, responded to numerous questions on how the facility would be run and monitored. Commissioner Wisneski and Mayor Dickert inquired if violent individuals or those recently released from institutions can be turned away. Mr. Fattah advised they can be, but the focus of this house will not be on those types of individuals, but more on elderly developmentally disabled and not on violent or drug-rehab individuals. Mr. Fattah advised there will be 6 to 8 bedrooms, and that per code they are allowed to have up to 15 residents based on the number and size of the rooms.

Commission Veranth inquired if fire suppression requirements will be met, as he is concerned for the safety of the residents in the event of a fire and their ability to respond. Mr. Fattah advised he is working with the State on this and other issues related to the requirements for opening a CBRF, but advised the State allows for deferral of the fire upgrades for up to four years. Mr. Heller noted that many of the requirements for these facilities fall under the State and local health codes.

Mr. Fattah went on to note the facility would be staffed 24/7, there would be 3 shifts of people, and the State requires at least one healthcare professional (Certified Nursing Assistant would be the minimum requirement) for every four residents.

Mayor Dickert inquired if there were any letters of support from the surrounding areas, to which Mr. Fattah provided a petition with 17 signatures, as well as 2 letters, indicating support for the assisted living facility.

Alderman Marcus inquired if the outdoor area on the lot will be utilized for the residents. Mr. Fattah advised it would provide opportunities for gardening, grilling, and other things as outlined in their business plan. Alderman Marcus also inquired if it would be possible to add a restriction on the type of individuals who may be permitted to reside here, specifically excluding those recently released from prison or mental health institutions who could be of risk to others or themselves. Mr. Fattah was not opposed to change; however Commissioner Wyant requested the City Attorney provide an interpretation of whether adding this type of prohibition is legal. Alderman Wisneski also commented on this concern for neighborhood safety, citing a recent case where an individual has been allowed to live in a home who committed a violent act against a fellow resident of a care home in the Milwaukee area. Director O'Connell advised Staff can work with the City Attorney to get input prior to the upcoming Common Council meeting on this issue.

Commissioner Wyant excused himself from the meeting at 5:10 p.m.

Mayor Dickert asked Mr. Fattah what type of experience he has in running this type of establishment. Mr. Fattah advised he has little, but his partner has 5 years experience. He added that he will be attending a training seminar and will continue to work with the State to meet all requirements.

Commissioner Esqueda moved to approve the request, subject to Staff recommendations, with direction to Staff to work with the City Attorney on language to add to condition d. restricting the types of residents which would be allowed. Seconded by Alderman Wisneski. Discussion ensued.

Alderman Marcus expressed concern that the letters and petition that were presented did not accurately reflect the types of individuals who would be served at this facility, that it is not just for seniors, and that the neighborhood may not fully understand the proposal involves developmentally or mentally disabled individuals. Mr. Fattah advised the neighbors do know that the proposed home is not intended to serve those who are violent or recently released for drug offenses. Associate Planner Johanneck provided a copy of the notice that was sent out which specifically stated the proposal would be for up to 15 elderly and mentally challenged individuals.

Mayor Dickert inquired as to how often the State would inspect the facility. Mr. Fattah advised every 6 months. Mr. Heller added that over the years in dealing with these types of facilities, there have been very few complaints.

Commissioner Veranth noted the floor plans provided show 6 bedrooms, to which Mr. Fattah advised there would be an expansion of the third floor to provide 2 additional bedrooms if they are needed. There will be 2 individuals per room. He continued that all licenses and requirements of the State will be obtained and met, including requirements for common area, which will be located on the first floor of the house, but he needs City approval prior to obtaining State licenses. He added that the house is almost paid for and has the cash flow needed for at least the first 6 months of operation.

A motion was made by Commissioner Esqueda, seconded by Alderman Wisneski, to recommend approval of the item subject to staff recommendations, with the direction to Staff to work with the City Attorney on language to add to condition d. restricting the types of residents which would

be allowed. The motion **PASSED** by a Voice Vote.

11-6529

Subject: (Direct Referral) Consideration of a request from Rich Buhnerkemper seeking a Conditional Use Permit for a sports card and memorabilia store at 3425 Kinzie Ave. (PC-11) (Res. 11-2626)

Recommendation of the City Plan Commission on 6-14-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3425 Kinzie Ave](#)
[\(11-6529\) CUP 3425 Kinzie Ave](#)

Director O'Connell gave a brief background, noting the public hearing for this item had been held at the June 8, 2011 Plan Commission meeting. He advised the property is zoned residential, but certain commercial uses are allowed via the "Constantine Rule".

A motion was made by Alderman Wisneski, seconded by Alderman Marcus, to recommend approval of the item subject to Staff recommendations. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

Mayor Dickert adjourned the meeting at 5:30 p.m.